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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ASHLEY MOORE,

Plaintiff,

v.

NATIONAL CREDIT SYSTEMS, INC.; and
EXPERIAN INFORMATION SOLUTIONS,
INC.

Defendants.

Case No.: 8:22-cv-2147

**COMPLAINT FOR VIOLATION
OF FAIR CREDIT REPORTING
ACT (15 U.S.C. § 1681 *et seq.*)**

COMES NOW Plaintiff, Ashley Moore (“Plaintiff”), by and through counsel undersigned,
and for its cause of action against the Defendants above-named alleges as follows:

INTRODUCTION

1. This is an action brought by an individual consumer for violations of the Fair Credit
Reporting Act (“FCRA”), et seq.

PARTIES

2. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1681(a)(c).

3. Defendant, National Credit Systems, Inc. (“NCS”), is company existing under the
laws of California and a furnisher of consumer credit information to consumer reporting agencies.

4. Defendant Experian Information Solutions, Inc. (“Experian”) is a corporation

1 existing under the laws of California, with North American Headquarters in Costa Mesa, CA, that
2 engages in the business of maintaining and reporting consumer credit information.

3 5. Defendants Experian is a “consumer reporting agency” as that term is defined by
4 15 U.S.C. §1681a(f).

5
6 **JURISDICTION AND VENUE**

7 6. That the Court has jurisdiction over this action pursuant to 15 U.S.C. § 1681p, the
8 Fair Credit Reporting Act (“FCRA”) and 28 U.S.C. §1331.

9 7. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

10
11 **FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

12 8. Plaintiff discovered the NCS account National Credit Systems 39056* (the
13 “Account”) on her Experian consumer report in error.

14 9. The Account reports with a derogatory status as past due collection.

15 10. The Account is identity theft and reported in an FTC complaint and police report.

16 11. The false information regarding the Account appearing on Plaintiff’s consumer
17 reports harms the Plaintiff because it does not accurately depict the Plaintiff’s credit history and
18 creditworthiness.

19 12. Experian published the false information regarding the Account to third parties.

20
21
22 **WRITTEN DISPUTE**

23 13. On or about October 3, 2022, Plaintiff sent a written dispute letter to Experian
24 disputing the inaccurate information regarding the Account reporting on Plaintiff’s consumer
25 report (the “Dispute”).

26 14. Upon information and belief, Defendant Experian forwarded Plaintiff’s Dispute to
27 Defendant NCS for reinvestigation.
28

15. Upon information and belief, NCS received notification of Plaintiff's Dispute from Experian.

16. NCS did not conduct a reasonable investigation, contact Plaintiff, contact third-parties, or review underlying account information with respect to the disputed information and the accuracy of the Account.

17. Defendant Experian did not conduct an investigation, contact Plaintiff, contact third-parties, or review underlying account information with respect to the disputed information and the accuracy of the Account.

18. Upon information and belief, NCS failed to instruct Experian to remove the false information regarding the Account reporting on Plaintiff's consumer report.

19. Experian employed an investigation process that was not reasonable and did not remove the false information regarding the Account identified in Plaintiff's Dispute.

20. At no point after receiving the Dispute did any Defendant communicate with Plaintiff to determine the veracity and extent of Plaintiff's Dispute.

COUNT I – NCS

(Fair Credit Reporting Act Violation – 15 U.S.C. §1681s-2(b))

21. Plaintiff re-alleges and reaffirms the above paragraphs as though fully set forth herein.

22. After receiving the Dispute, NCS failed to correct the false information regarding the Account reporting on Plaintiff's consumer report.

23. Defendant violated 15 U.S.C. §1681s-2(b) by failing to fully and properly investigate Plaintiff's dispute of Defendant NCS's representations; by failing to review all relevant information regarding Plaintiff's disputes; by failing to accurately respond to credit reporting agencies; by verifying false information; and by failing to permanently and lawfully correct its own

1 internal records to prevent the re-reporting of Defendant NCS's representations to consumer credit
2 reporting agencies, among other unlawful conduct.

3 24. As a result of this conduct, action, and inaction of Defendant NCS, Plaintiff suffered
4 damages, and continues to suffer, actual damages, including economic loss, damage to reputation,
5 emotional distress, and interference with Plaintiff's normal and usual activities for which Plaintiff
6 seeks damages in an amount to be determined by the trier of fact.

7 25. Defendant NCS's conduct, action, and inaction were willful, rendering Defendant
8 liable to Plaintiff for punitive damages pursuant to 15 U.S.C. §1681n.
9

10 26. In the alternative, Defendant NCS was negligent, entitling Plaintiff to recover
11 damages under 15 U.S.C. §1681o.

12 27. Plaintiff is entitled to recover costs and attorneys' fees from Defendant NCS
13 pursuant to 15 U.S.C. §1681n and/or 15 U.S.C. §1681o.
14

15 **COUNT II – Experian**

16 **(Fair Credit Reporting Act Violation – 15 U.S.C. §1681e(b))**

17 28. Plaintiff re-alleges and reaffirms the above paragraphs as though fully set forth
18 herein.
19

20 29. After receiving the Dispute, Experian failed to correct the false information
21 regarding the Account reporting on Plaintiff's consumer report.

22 30. Defendant Experian violated 15 U.S.C. §1681e(b) by failing to establish or to follow
23 reasonable procedures to assure maximum possible accuracy in the preparation of the credit reports
24 and credit files Defendant Experian published and maintained concerning Plaintiff.
25

26 31. As a result of this conduct, action and inaction of Defendant Experian, Plaintiff
27 suffered damage, and continues to suffer, actual damages, including economic loss, damage to
28 reputation, emotional distress, and interference with Plaintiff's normal and usual activities for

1 which Plaintiff seeks damages in an amount to be determined by the trier of fact.

2 32. Defendant Experian's conduct, action, and inaction were willful, rendering
3 Defendant Experian liable to Plaintiff for punitive damages pursuant to 15 U.S.C. §1681n.

4 33. In the alternative, Defendant Experian was negligent, entitled Plaintiff to recover
5 damages under 15 U.S.C. §1681o.

6 34. Plaintiff is entitled to recover costs and attorneys' fees from Defendant Experian,
7 pursuant to 15 U.S.C. §1681n and/or §1681o.
8

9 **COUNT III – Experian**

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11 **(Fair Credit Reporting Act Violation – 15 U.S.C. §1681i)**

12 35. Plaintiff re-alleges and reaffirms the above paragraphs as though fully set forth
13 herein.

14 36. After receiving the Dispute, Experian failed to correct the false information
15 regarding the Account reporting on Plaintiff's consumer report.

16 37. Defendant Experian violated 15 U.S.C. §1681i by failing to delete inaccurate
17 information in Plaintiff's credit files after receiving actual notice of such inaccuracies, by failing
18 to conduct lawful reinvestigations, and by failing to maintain reasonable procedures with which to
19 filter and verify disputed information in Plaintiff's credit files.
20

21 38. As a result of this conduct, action and inaction of Defendant Experian, Plaintiff
22 suffered damage, and continues to suffer, actual damages, including economic loss, damage to
23 reputation, emotional distress and interference with Plaintiff's normal and usual activities for which
24 Plaintiff seeks damages in an amount to be determined by the trier of fact.
25

26 39. Defendant Experian conduct, action, and inaction were willful, rendering Defendant
27 liable to Plaintiff for punitive damages pursuant to 15 U.S.C. §1681n.

28 40. In the alternative, Defendant Experian was negligent, entitling Plaintiff to recover

1 damages under 15 U.S.C. §1681o.

2 41. Plaintiff is entitled to recover costs and attorneys' fees from Defendant Experian
3 pursuant to 15 U.S.C. §1681n and/or §1681o.

4
5 **DEMAND FOR JURY TRIAL**

6 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands trial by jury
7 in this action of all issues so triable.

8
9
10 **PRAYER FOR RELIEF**

11 **WHEREFORE**, Plaintiff seeks a reasonable and fair judgment against Defendants for
12 willful noncompliance of the Fair Credit Reporting Act and seeks his statutory remedies as
13 defined by 15 U.S.C. § 1681 and demands:
14

- 15 1. Trial by jury.
- 16 2. Actual damages to be proven at trial, or statutory damages pursuant to 15 U.S.C. §
17 1681n(a)(1)(A), of not less than \$100 and not more than \$1,000 per violation;
- 18 3. Punitive damages, pursuant 15 U.S.C. § 1681n(a)(2), for Defendant's willful violation;
- 19 4. The costs of instituting this action together with reasonable attorney's fees incurred by
20 Plaintiff pursuant to 15 U.S.C. § 1681n(a)(3); and
- 21 5. Any further legal and equitable relief as the court may deem just and proper in the
22 circumstances.
23

24 Respectfully submitted November 29, 2022

25
26 Respectfully submitted,

27 /s/Garrett Charity
28 Garrett Charity, Esq.
Attorney for Plaintiff